

Remarks of Adam Krinsky
Legal Advisor to Commissioner Gloria Tristani
before the
Public Safety National Coordination Committee
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Thank you, Kathy, and good morning. It's a pleasure to be here to share some thoughts with you, and to hear from you first-hand about one of the most important public safety topics we're dealing with today: the narrowband digital standards in the 700 MHz spectrum. It goes without saying that this is a fundamental, threshold issue we've got to address – and soon – in order to allow public safety agencies and manufacturers alike to plan and deploy systems in this spectrum.

But first I want to convey to all of you a heartfelt thanks from my boss, Commissioner Tristani. She's met with several NCC members to discuss various aspects of the 700 MHz band and has been following your progress. She recognizes that you all have made great sacrifices and devoted long hours to this committee – all the while, maintaining your day jobs too.

Well, the good news is that your words, your recommendations are making a significant contribution to the advancement of public safety communications in this country. I can tell you that the February Report served a critical role in creating a dialogue on these difficult issues, and I believe that the Commission has listened hard to the NCC's goals and concerns.

The Commissioner greatly appreciates the work you've done. And in fact, on behalf of all the Commissioners, the legal advisors, and the entire Commission I want to commend you and thank you for your public service as NCC members.

The critical issue before us, as you well know, is resolving the narrowband digital standard issue. Here at the Commission, we are striving to strike an appropriate balance between spectrum efficiency on the one hand and near-term, cost-effective deployment on the other.

Before I get to this issue, though, I'd like to provide a brief overview of some of the spectrum management issues we're working on. Over the last couple of years, the Commission has held two En Banc hearings on spectrum management, and two key focus areas have emerged from those discussions: 1) make more spectrum available; and 2) promote greater efficiency in spectrum use. Today, the demand for spectrum – and the necessity of spectrum efficiency – are now crucial issues for both spectrum management policymakers and users alike.

On the commercial side, you're all well aware of the spectrum auctions and the bidding wars taking place both here and in Europe for coveted licenses to access spectrum. And just a few weeks ago, President Clinton issued an Executive Memorandum directing federal agencies to identify additional spectrum that can be made available for 3G mobile

services. For private wireless users, we're considering further use of the band manager concept first introduced in the 700 MHz guard band, which may prove to promote efficient use of spectrum through leasing arrangements. And in the next few weeks, we're also considering whether we can facilitate a secondary market in spectrum to ensure that already-licensed spectrum is not lying fallow.

On the technology front, we're working on a number of initiatives to try and squeeze more capacity and more services out of the spectrum we have today. One example involves our efforts to develop sharing among commercial providers of terrestrial wireless and satellite services. We've opened a proceeding to review ultra-wideband technology as well, which could allow new services to use a wide swath of spectrum without causing interference to existing licensees.

And of course there's also public safety use of the spectrum. As you're well aware, this 24 MHz of public safety spectrum is the largest allocation ever made for public safety. We need to ensure that our service rules create meaningful opportunities for use of this spectrum. Public safety needs call for it; the demand for spectrum will continue to grow so we need to find an approach that takes into account spectrum efficiency goals.

Commissioner Tristani has long held that while spectrum efficiency is an important goal, saving lives today must be a higher priority. The Communications Act demands that the Commission adopt policies that promote the public safety. Beyond that, it's the right thing to do. Today there's a need for access to additional spectrum. In large parts of this country, this 700 MHz spectrum is available right now.

Our charge then is to develop a reasonable plan that balances spectrum efficiency and rapid and cost-effective deployment, which brings us to the narrowband digital standard issue.

This past July, my boss strongly supported the 4th NPRM's tentative conclusion to adopt the Project 25 Phase I digital voice standard at this time, and to develop a "migration path" to 6.25 technology in the Interoperability spectrum. She viewed this approach as a viable means to move forward towards deployment while supporting the goal of spectrum efficiency. The Commission sought comment on these proposals and we've had two rounds of filers, the last coming in just last month.

And these comments have raised a number of options the Commission will need to consider, including some intriguing ideas. In particular, the NCC and some other commenters have proposed a general approach that my boss is interested in examining. Specifically, some commenters have suggested that we adopt the Project 25 Phase I 12.5 kHz standard for the Interoperability spectrum, and develop a migration path to 6.25 technology in the General Use channels. The 6.25 radios ultimately deployed would be dual-mode so they could operate using the Project 25 Phase I capability on the Interoperability channels.

It seems that several benefits could result from this approach:

- First, the General Use channels are the largest portion of the 700 MHz public safety band, and will be subject to the most intensive demand in public safety agencies' day-to-day use. We've been told that it's the General Use channel capacity that's a greater concern than the Interoperability channels, and where spectrum efficiency is most critical.
- Second, adoption of Project 25 Phase I in the Interoperability channels, with migration to 6.25 in the General Use channels, could allow competition to develop in the 6.25 technology, without causing significant delay in deployment or sacrificing interoperability. These competing technologies could continue to develop, and agencies ultimately could pick the 6.25 technology that best suits their needs, while still being able to communicate on the Interoperability channels.

At this stage of our review, my boss is taking a hard look at this potential approach. Of course, the method and timing of migration remain crucial to any plan. There are several critical questions that we need to address:

- First how would we require 6.25 kHz deployment? Through type-acceptance? Through a requirement that all new radios systems include the 6.25 capability by a date-certain? Through a requirement that all equipment be replaced with 6.25 technology by a date-certain? Should we consider a combination of the above?
- Second, what kind of time-frame should we apply for the migration? In the 4th NPRM, we asked whether a 10-year migration path was appropriate. Alternatively, should the migration path be tied to the DTV transition and 700 MHz band clearing?
- Finally, should the transition to 6.25 be phased-in so that public safety agencies in major metropolitan areas, with greater congestion problems, would be the first to deploy the 6.25 technology? Should we waive the requirement for the nation's smallest communities?

As you all are well aware, these are just some of the issues we need to examine as we grapple with the narrowband digital standard. They're tough issues, and we continue to welcome your thoughts and ideas as we work towards resolution. Despite the complexity of these issues, my boss is committed to moving ahead quickly, to opening the opportunities for new systems and better communications through access to the 700 MHz band.

Thanks for your time this morning, and for your service on the NCC. I'd be happy to take any questions.